

Senate Amendment 5383

PAG LIN

1 1 Amend Senate File 2298, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 12, by striking the figure
1 4 <4,564,351> and inserting the following: <4,616,351>.
1 5 #2. Page 2, line 27, by striking the words 1 6 start=up>, and inserting the
following:
1 7 1 8 enacted, then for start=up>.
1 9 #3. Page 2, line 31, by striking the word
1 10 , and inserting the following: 1 11 purposes of this lettered paragraph and
1 12 notwithstanding>.
1 13 #4. Page 2, by inserting after line 35 the
1 14 following:
1 15 1 16 then for start-up funding for revolving funds under
1 17 the control of the department of administrative
1 18 services and for salaries, support, maintenance, and
1 19 miscellaneous purposes:
1 20 \$ 1,889,610
1 21 For purposes of this lettered paragraph and
1 22 notwithstanding any provision of this section to the
1 23 contrary, the department of administrative services
1 24 shall deposit \$1,889,610 in the general fund of the
1 25 state from moneys in departmental revolving funds and
1 26 internal service funds at the end of the fiscal year.>
1 27 #5. Page 4, line 13, by striking the figure
1 28 <1,144,755> and inserting the following: <1,092,755>.
1 29 #6. Page 6, by inserting after line 10 the
1 30 following:
1 31 1 32 from the examination receipts for the payment of its
1 33 fees to the national council of insurance
1 34 legislators.>
1 35 #7. Page 7, by inserting after line 11, the
1 36 following:
1 37 _____. ALCOHOLIC BEVERAGES DIVISION == STATE
1 38 LIQUOR WAREHOUSE FUNCTIONS. Notwithstanding sections
1 39 7J.1 and 123.20, subsection 4, and any other
1 40 applicable provision of law, the alcoholic beverages
1 41 division of the department of commerce shall not add
1 42 full-time equivalent positions for purposes of the
1 43 state assuming the state liquor warehouse functions
1 44 performed by a private contractor as of April 1, 2004.
1 45 The division shall issue a request for proposals or
1 46 otherwise utilize a competitive process to select a
1 47 successor private contractor to perform the state
1 48 liquor warehouse functions.>
1 49 #8. Page 7, by inserting after line 11 the
1 50 following:
2 1 _____. IOWA HEALTH INSURANCE VALUE INITIATIVE.
2 2 If 2004 Iowa Acts, House File 2521, is enacted, there
2 3 is appropriated from the general fund of the state to
2 4 the department of commerce for the fiscal year
2 5 beginning July 1, 2004, and ending June 30, 2005, the
2 6 following amount, or so much thereof as is necessary,
2 7 to be used for the purpose designated:
2 8 For the insurance division to conduct a study
2 9 regarding the costs of health insurance premiums for
2 10 businesses and individual customers in this state, in
2 11 accordance with 2004 Iowa Acts, House File 2521:
2 12 \$ 150,000>
2 13 #9. Page 12, line 13, by striking the figure
2 14 <1,752,780> and inserting the following: <1,952,780>.
2 15 #10. Page 18, by inserting after line 6 the
2 16 following:
2 17 <_____. PROPERTY TAX IMPLEMENTATION COMMITTEE
2 18 To administer the property tax implementation
2 19 committee and to purchase data deemed necessary by the
2 20 committee:
2 21 \$ 50,000>
2 22 #11. Page 19, by inserting after line 22 the
2 23 following:
2 24 _____. Section 10A.104, subsection 2, Code
2 25 Supplement 2003, is amended to read as follows:
2 26 2. Appoint the administrators of the divisions
2 27 within the department and all other personnel deemed
2 28 necessary for the administration of this chapter,

2 29 except the state public defender, assistant state
2 30 public defenders, administrator of the racing and
2 31 gaming commission, and members of the employment
2 32 appeal board, ~~and administrator of the child advocacy~~
~~2 33 board created in section 237.16.~~ All persons
2 34 appointed and employed in the department are covered
2 35 by the provisions of chapter 8A, subchapter IV, but
2 36 persons not appointed by the director are exempt from
2 37 the merit system provisions of chapter 8A, subchapter
2 38 IV.

2 39 Sec. _____. Section 237.18, subsection 5, Code
2 40 Supplement 2003, is amended to read as follows:
2 41 5. Employ appropriate staff, except for the state
2 42 board administrator, in accordance with available
2 43 funding. The board shall coordinate with the
2 44 department of inspections and appeals regarding
2 45 administrative functions of the board.>

2 46 #12. Page 20, by inserting after line 34 the
2 47 following:
2 48 _____. EFFECTIVE DATE. The section of this
2 49 division of this Act relating to the state liquor
2 50 warehouse functions, being deemed of immediate
3 1 importance, takes effect upon enactment.>

3 2 #13. Page 28, line 15, by striking the figure
3 3 <5,784,500>, and inserting the following:
3 4 <6,084,500>.

3 5 #14. Page 29, by striking line 4 and inserting the
3 6 following:
3 7 <..... \$ 5,505,725>
3 8 #15. Page 29, line 10, by inserting after the word
3 9 the following: 3 10 of community cluster rural development>.

3 11 #16. Page 34, by striking lines 33 and 34 and
3 12 inserting the following:
3 13 <..... \$ 4,889,124
3 14 FTEs 94.20>

3 15 #17. Page 35, line 9, by inserting after the word
3 16 the following: 3 17 generated by the filing fee allowed under this
3 18 subsection, the first \$225,000 is appropriated to the
3 19 department of workforce development to be used for
3 20 purposes of administering the division of workers'
3 21 compensation.>

3 22 #18. Page 35, by striking lines 15 through 20.
3 23 #19. Page 37, by inserting after line 4 the
3 24 following:
3 25 _____. Section 28E.35, Code 2003, is amended
3 26 to read as follows:
3 27 28E.35 DEFINITIONS.
3 28 As used in this division unless the context
3 29 otherwise requires:
3 30 1. "Community cluster" means a cooperative
3 31 community unit established pursuant to this chapter
3 32 for the joint exercise of powers by two or more
3 33 governmental units and for sharing one or more
3 34 governmental functions between two or more
3 35 governmental units participating in a community
3 36 cluster.

3 37 2. "Governing board" means the governing board of
3 38 a community cluster appointed pursuant to section
3 39 28E.37.

3 40 ~~2- 3.~~ "Governmental unit" means a city, county,
3 41 township, school district, merged area as defined in
3 42 section 260C.2, or special taxing district.

3 43 4. "Shared governmental function" includes, but is
3 44 not limited to, joint delivery of services, joint
3 45 operation of facilities, joint development of
3 46 infrastructure, or joint fostering of economic
3 47 development.

3 48 Sec. _____. Section 28E.36, Code 2003, is amended to
3 49 read as follows:
3 50 28E.36 ESTABLISHMENT OF COMMUNITY CLUSTER.
4 1 Two or more governmental units located in the state
4 2 may, by resolution of each governmental unit,
4 3 ~~establish a community cluster by entering into an~~
~~4 4 agreement~~ for the joint exercise of powers pursuant to
4 5 this chapter to make more efficient use of their
4 6 resources by providing for joint functions, services,
~~4 7 facilities, development of infrastructure and for~~
~~4 8 revenue sharing, and to foster economic development~~
4 9 shared governmental functions between two or more of
4 10 the governmental units participating in the community
4 11 cluster.

4 12 A community cluster and its governing board shall
4 13 have all the rights, powers, duties, privileges, and
4 14 immunities of a governmental unit and governmental
4 15 unit governing body to the extent that such rights,
4 16 powers, duties, privileges, and immunities relate to
4 17 shared governmental functions of the governmental
4 18 units participating in the community cluster. A
4 19 community cluster and its governing board shall not
4 20 levy a tax unless specifically authorized by the
4 21 governing body of each participating governmental
4 22 unit.

4 23 Sec. _____. Section 28E.37, Code 2003, is amended by
4 24 striking the section and inserting in lieu thereof the
4 25 following:

4 26 28E.37 COMMUNITY CLUSTER GOVERNING BOARD.

4 27 The governing body of each governmental unit
4 28 participating in a community cluster shall appoint two
4 29 of its members to a community cluster governing board.
4 30 However, an alternative board composition may be
4 31 agreed upon by the participating governmental units.
4 32 A member of the governing board shall serve for two
4 33 years or until the member's term on the governing body
4 34 of the governmental unit expires, whichever is
4 35 earlier. A vacancy on the governing board shall be
4 36 filled in the same manner as the original appointment.
4 37 A member of the governing board shall not receive
4 38 compensation for service on the governing board.

4 39 Sec. _____. Section 28E.38, Code 2003, is amended by
4 40 striking the section and inserting in lieu thereof the
4 41 following:

4 42 28E.38 POWERS AND DUTIES OF GOVERNING BOARD ==
4 43 EXISTING BONDED INDEBTEDNESS == TAXING AUTHORITY.

4 44 1. The governing board shall identify governmental
4 45 functions, services, facilities, development of
4 46 infrastructure, or economic development efforts that
4 47 will be shared or jointly provided or operated within
4 48 the community cluster.

4 49 2. The governing board shall establish an official
4 50 name for the community cluster.

5 1 3. The governing board may provide for the
5 2 transfer or other disposition of property and other
5 3 rights, claims, assets, and franchises as they relate
5 4 to a shared governmental function within the community
5 5 cluster. A governmental unit participating in a
5 6 community cluster may make donations of property, real
5 7 or personal, including gratuitous leases, to the
5 8 community cluster and the governing board as deemed
5 9 proper and appropriate in aiding the community cluster
5 10 and the governing board effectuate their purposes.

5 11 4. The governing board may provide for the
5 12 transfer, reorganization, abolition, adjustment, and
5 13 absorption or merger of existing boards, existing
5 14 subordinate service districts, local improvement
5 15 districts, and agencies of the participating
5 16 governmental units to the extent they relate to a
5 17 shared governmental function within the community
5 18 cluster. The authority provided in this subsection
5 19 does not include the authority to merge or consolidate
5 20 local governments as an alternative form of county
5 21 government or an alternative form of city government.

5 22 5. The governing board may determine the
5 23 boundaries of the service areas within the community
5 24 cluster and shall provide for administration of the
5 25 provision of services in each of the designated
5 26 service areas.

5 27 6. The governing board may employ and fix the
5 28 compensation of administrative, technical,
5 29 professional, and clerical assistance as necessary to
5 30 administer a shared governmental function.

5 31 7. a. The governing board may adopt budgets for
5 32 shared governmental functions within the community
5 33 cluster and may levy property taxes to the extent the
5 34 taxing authority of a participating governmental unit
5 35 is transferred to the community cluster by the
5 36 governing body of that participating governmental unit
5 37 to fund a shared governmental function. The governing
5 38 board in its budget shall allocate the revenue
5 39 responsibilities of each governmental unit
5 40 participating in the community cluster, subject to the
5 41 approval of the governing body of each participating
5 42 governmental unit. The governing board shall follow

5 43 the same procedures for adoption of a budget as if the
5 44 community cluster were a city and the governing board
5 45 a city council.

5 46 b. The governing board shall devise formulas for
5 47 the transfer of taxing authority from governmental
5 48 units that are participating in the community cluster
5 49 to the governing board of the community cluster to
5 50 fund a shared governmental function, subject to the
6 1 approval of the governing body of each participating
6 2 governmental unit. The maximum rates of taxes
6 3 authorized to be levied by a governmental unit
6 4 participating in a community cluster shall be reduced
6 5 by an amount equal to that portion of the levy rates
6 6 transferred to the authority of the governing board.

6 7 c. In lieu of transferring property taxing
6 8 authority to a governing board, a governmental unit
6 9 participating in a community cluster may meet its
6 10 shared revenue obligations by transferring other
6 11 sources of revenue authorized to be collected by the
6 12 governmental unit.

6 13 8. The governing board may accept donations,
6 14 contributions, grants, or gifts from individuals,
6 15 associations, municipal and private corporations, and
6 16 the United States, or any agency or instrumentality of
6 17 the United States, and may enter into agreements in
6 18 connection therewith.

6 19 9. The governing board may issue bonded
6 20 indebtedness to the extent authorized in section
6 21 28E.39.

6 22 10. By December 1 of each year, the governing
6 23 board shall provide a report relating to shared
6 24 governmental functions and administration of the
6 25 community cluster to the governing body of each
6 26 governmental unit participating in the community
6 27 cluster.

6 28 Sec. _____. Section 28E.39, Code 2003, is amended by
6 29 striking the section and inserting in lieu thereof the
6 30 following:

6 31 28E.39 ISSUANCE OF BONDS == APPROVAL BY
6 32 ELECTORATE.

6 33 1. The governing board may propose the expenditure
6 34 of funds, the issuance of revenue bonds, entering into
6 35 a lease-purchase agreement, or the issuance of general
6 36 obligation bonds for the following:

6 37 a. Acquisition of a construction site and
6 38 construction of a building or facility for common
6 39 public use by two or more governmental units
6 40 participating in the community cluster.

6 41 b. Purchase of an existing building or facility
6 42 for public use, or conversion of a building or
6 43 facility previously owned and maintained by a
6 44 governmental unit for public use by two or more
6 45 governmental units participating in the community
6 46 cluster.

6 47 c. Equipping or furnishing a new or existing
6 48 building or facility for public use by two or more
6 49 governmental units participating in the community
6 50 cluster.

7 1 d. Operation, maintenance, or improvement of a
7 2 building or facility for public use by two or more
7 3 governmental units participating in the community
7 4 cluster.

7 5 e. Any other aspect of construction, acquisition,
7 6 furnishing, operation, or maintenance of a building or
7 7 facility for public use by two or more governmental
7 8 units participating in the community cluster, such
7 9 other aspect having been proposed by the governing
7 10 board and not otherwise prohibited by law.

7 11 2. The proposal shall be forwarded to the
7 12 governing body of each governmental unit participating
7 13 in the community cluster that is listed in the
7 14 proposal as being allocated a portion of the cost for
7 15 any of the purposes in subsection 1, paragraphs "a"
7 16 through "e". The proposal shall specify the purposes
7 17 for which the building or facility shall be used, the
7 18 estimated cost of the building or facility, the
7 19 estimated amount of the cost to be allocated to each
7 20 of the participating governmental units, the
7 21 proportion and method of allocating the expenses of
7 22 the operation and maintenance of the building or
7 23 facility or improvement, and the disposition to be

7 24 made of any revenues to be derived from operation of
7 25 the building or facility.
7 26 3. If a proposal for expenditure of funds, for
7 27 issuance of revenue bonds, or for issuance of general
7 28 obligation bonds described in the proposal as
7 29 essential county purpose bonds or essential corporate
7 30 purpose bonds is approved by the governing body of
7 31 each governmental unit named in the proposal, the
7 32 governing board may include such expenditures in its
7 33 budget for the following fiscal year. If a proposal
7 34 for issuance of general obligation bonds described in
7 35 the proposal as general county purpose bonds or
7 36 general corporate purpose bonds or for entering into a
7 37 lease-purchase agreement is approved by the governing
7 38 body of each governmental unit named in the proposal,
7 39 the governing board shall direct the county
7 40 commissioner of elections to submit the proposition at
7 41 a special election. The special election may be held
7 42 on the same day as the general election if the county
7 43 commissioner determines that the elections will not
7 44 conflict. Only those registered voters living within
7 45 the governmental units named in the proposal may vote
7 46 on the proposition. The proposition shall be adopted
7 47 if the vote in favor of the proposition is equal to at
7 48 least sixty percent of the vote cast for and against
7 49 the proposition in each governmental unit named in the
7 50 proposal.

8 1 4. The governing board when issuing indebtedness
8 2 pursuant to this section shall follow the procedures
8 3 for issuance of debt as if the governing board were a
8 4 city council or a county board of supervisors and the
8 5 applicable bonding provisions of chapters 74, 75, 331,
8 6 and 384 shall apply.

8 7 5. Indebtedness issued pursuant to this section
8 8 shall constitute a debt of the governmental units
8 9 named in the proposal in the same proportion that the
8 10 cost of the project is allocated to the governmental
8 11 units and such indebtedness is subject to any
8 12 statutory or constitutional limitation on issuance of
8 13 debt if the debt would be subject to such limitation
8 14 if it were issued by a governmental unit acting alone.

8 15 Sec. _____. Section 28E.40, Code 2003, is amended by
8 16 striking the section and inserting in lieu thereof the
8 17 following:

8 18 28E.40 JOINING COMMUNITY CLUSTER OR TERMINATING
8 19 PARTICIPATION.

8 20 1. A governmental unit, by resolution, may request
8 21 to join an existing community cluster. The governing
8 22 body of the governmental unit shall forward the
8 23 resolution to the governing bodies of each
8 24 governmental unit participating in the community
8 25 cluster. If each of the governing bodies approves the
8 26 resolution, the governmental unit is included in the
8 27 community cluster and shall appoint two of the members
8 28 of its governing body to the governing board of the
8 29 community cluster.

8 30 2. A governmental unit, by resolution, may
8 31 terminate its participation in a community cluster.
8 32 Immediately upon its adoption by the governing body of
8 33 the governmental unit seeking termination of its
8 34 participation in the community cluster, the resolution
8 35 shall be forwarded to the governing board. The
8 36 governing board is not empowered to deny termination
8 37 but it may set a timetable, not to exceed eighteen
8 38 months after adoption of the resolution, for
8 39 termination to be fully effective.

8 40 Sec. _____. Section 331.461, subsection 2, Code
8 41 2003, is amended by adding the following new
8 42 paragraph:

8 43 NEW PARAGRAPH. h. Port facilities or port
8 44 facilities systems, including without limitation, real
8 45 and personal property, water, buildings, improvements,
8 46 and equipment useful and suitable for taking care of
8 47 the needs of commerce and shipping, and also including
8 48 without limitation, wharves, docks, basins, piers,
8 49 quay walls, warehouses, tunnels, belt railway
8 50 facilities, cranes, dock apparatus, and other
9 1 machinery necessary for the convenient and economical
9 2 accommodation and handling of watercraft of all kinds
9 3 and of freight and passengers.

9 4 Sec. _____. Section 96.7, subsection 2, paragraph d,

9 5 subparagraph (1), Code Supplement 2003, is amended to
9 6 read as follows:

9 7 (1) The current reserve fund ratio is computed by
9 8 dividing the total funds available for payment of
9 9 benefits, on the computation date, by the total wages
9 10 paid in covered employment excluding reimbursable
9 11 employment wages during the first four calendar
9 12 quarters of the five calendar quarters immediately
9 13 preceding the computation date. However, in computing
9 14 the current reserve fund ratio the following amounts
9 15 shall be added to the total funds available for
9 16 payment of benefits on the following computation
9 17 dates:

- 9 18 (a) Twenty million dollars on July 1, 2004.
- 9 19 (b) Seventy million dollars on July 1, 2005.
- 9 20 (c) One hundred twenty million dollars on July 1,
9 21 2006.
- 9 22 (d) One hundred fifty million dollars on July 1,
9 23 2007, and on each subsequent computation date.

9 24 Sec. ____ Section 96.19, subsection 18, paragraph
9 25 a, subparagraph (7), subparagraph subdivision (a),
9 26 Code 2003, is amended to read as follows:

9 27 (a) A person in agricultural labor when such labor
9 28 is performed for an employing unit which during any
9 29 calendar quarter in the calendar year or the preceding
9 30 calendar year paid remuneration in cash of twenty
9 31 thousand dollars or more to individuals employed in
9 32 agricultural labor excluding labor performed before
9 33 January 1, 1980, by an alien referred to in this
9 34 subparagraph; or on each of some twenty days during
9 35 the calendar year or the preceding calendar year, each
9 36 day being in a different calendar week, employed in
9 37 agricultural labor for some portion of the day ten or
9 38 more individuals, excluding labor performed before
9 39 January 1, 1980, by an alien referred to in this
9 40 subparagraph; and such labor is not agricultural labor
9 41 performed before January 1, 1980, by an individual who
9 42 is an alien admitted to the United States to perform
9 43 agricultural labor pursuant to sections 214(c) and
9 44 101(a)(15)(H) of the Immigration and Nationality Act,
9 45 8 U.S.C. } 1184(c), 1101(a)(15)(H) (1976). For
9 46 purposes of this subparagraph subdivision, "employed"

9 47 shall not include services performed by agricultural
9 48 workers who are aliens admitted to the United States
9 49 to perform labor pursuant to section
9 50 101(a)(15)(H)(ii)(a) of the Immigration and
10 1 Nationality Act and who are not covered under the
10 2 Federal Unemployment Tax Act.>

10 3 #21. Page 48, by striking line 32 and inserting
10 4 the following:

10 5 <..... \$ 45,283,894

10 6 ____ JOBS FOR AMERICA'S GRADUATES

10 7 For school districts to provide direct services to
10 8 the most at-risk senior high school students enrolled
10 9 in school districts through direct intervention by a
10 10 jobs for America's graduates specialist:

10 11 \$ 400,000

10 12 ____ CLOSING THE ACHIEVEMENT GAP GRANTS

10 13 For competitive grants to be awarded in no more
10 14 than four school districts:

10 15 \$ 500,000

10 16 a. The department shall establish a competitive
10 17 grant program that supports school district efforts to
10 18 address the achievement gap. Priority shall be given
10 19 to school districts using research-based strategies
10 20 that have the highest probability of improving student
10 21 achievement. A grant in the amount of \$125,000 shall
10 22 be awarded no later than October 1, 2004, to a school
10 23 district in each of the following size school
10 24 districts:

10 25 (1) A school district with an enrollment of 1199
10 26 or less.

10 27 (2) A school district with an enrollment of more
10 28 than 1199, but not more than 4749.

10 29 (3) A school district with an enrollment of more
10 30 than 4749.

10 31 (4) A school district with any enrollment.

10 32 b. Grant moneys may be used by recipient school
10 33 districts for purposes including, but not limited to,
10 34 assigning highly skilled teachers to high-need
10 35 students and highly skilled administrators to high-

10 36 need buildings, maintaining a commitment to cultural
10 37 competency training, sustaining high expectations for
10 38 all children, and creating partnerships between
10 39 schools, communities, and businesses.>

10 40 #22. Page 49, by inserting after line 18 the
10 41 following:

10 42 _____. WHOLE=GRADE SHARING AGREEMENT DEADLINE
10 43 WAIVER. Notwithstanding sections 282.10 and 282.11,
10 44 the department of education may, at the department's
10 45 discretion, waive any of the deadline requirements of
10 46 sections 282.10 and 282.11, relating to the signing of
10 47 a whole=grade sharing agreement by the boards of two
10 48 or more school districts involved in the agreement and
10 49 the public notice and hearing requirements, if one of
10 50 the districts involved in the agreement has an
11 1 enrollment of less than three hundred. This section
11 2 is repealed July 1, 2004.>

11 3 #23. Page 49, by inserting after line 18 the
11 4 following:

11 5 _____. STATEWIDE TEACHER INTERN PROGRAM
11 6 FEASIBILITY STUDY == FEDERAL GRANT APPLICATION
11 7 COORDINATION.

11 8 1. The department of education shall work
11 9 cooperatively with the state board of regents and
11 10 other accredited postsecondary institutions with
11 11 approved practitioner preparation programs to assess
11 12 the feasibility of the offering of a teacher intern
11 13 program that will be available statewide and which
11 14 will meet the standards as provided in 281 IAC 77.
11 15 The department shall, at minimum, collaborate with the
11 16 state board of regents and the colleges of education
11 17 at board's institutions of higher learning, and with
11 18 other accredited postsecondary institutions with
11 19 approved practitioner preparation programs. The study
11 20 shall include the projected enrollment, cost, delivery
11 21 of the program via technology, and possible time lines
11 22 for implementation of a statewide teacher intern
11 23 program. The study shall, at minimum, consider the
11 24 establishment of a program operated through a regents
11 25 institution under a cooperative arrangement with other
11 26 postsecondary institutions, including institutions
11 27 that do not have approved practitioner preparation
11 28 programs, or with one or more area education agencies.
11 29 The department shall submit a report summarizing the
11 30 results of the study and making recommendations to the
11 31 chairpersons and ranking members of the house and
11 32 senate committees on education and the chairpersons
11 33 and rankings members of the joint appropriations
11 34 subcommittee on education by January 15, 2005.

11 35 2. The department shall work cooperatively with
11 36 the state board of regents and other appropriate
11 37 eligible grantees to obtain any available federal
11 38 funding, including grants that may be available for
11 39 the establishment and operation of a teacher intern
11 40 program.>

11 41 #24. Page 50, lines 21 and 22, by striking the
11 42 figures <2001=2002> and inserting the following:
11 43 <2003=2004>.

11 44 #25. Page 55, line 7, by striking the words
11 45 and
11 46 inserting the following: .

11 47 #26. Page 59, by striking line 29 and inserting
11 48 the following:

11 49 <..... \$ 8,468,249>

11 50 #27. Page 59, by striking line 35 and inserting
12 1 the following:

12 2 <..... \$ 4,737,675>

12 3 #28. Page 64, line 32, by inserting after the word
12 4 the following: <From the funds appropriated
12 5 in this subsection, not more than three million four
12 6 hundred thousand dollars may be distributed to private
12 7 institutions whose income is not exempt from taxation
12 8 under section 501(c) of the Internal Revenue Code and
12 9 whose students were eligible to receive Iowa tuition
12 10 grant moneys in the fiscal year beginning July 1,
12 11 2003.>

12 12 #29. Page 65, line 22, by inserting after the word
12 13 <contracts> the following: <, if applicable.>.

12 14 #30. Page 65, by inserting after line 30 the
12 15 following:

12 16 12 17 Supplement 2003, is amended to read as follows:

12 18 6. By July 1, ~~2005~~ 2006, the director shall
12 19 develop and implement an evaluator training
12 20 certification renewal program for administrators and
12 21 other practitioners who need to renew a certificate
12 22 issued pursuant to this section.
12 23 Sec. _____. Section 284.13, subsection 1, paragraph
12 24 a, Code Supplement 2003, is amended by striking the
12 25 paragraph.>
12 26 #31. Page 65, line 31, by inserting after the word
12 27 the following: .
12 28 #32. Page 65, line 35, by striking the words <one
12 29 million seven> and inserting the following: <seven
12 30 one million one>.
12 31 #33. Page 66, by inserting after line 2 the
12 32 following:
12 33 ~~2003~~
12 34 2004, and succeeding fiscal years, an amount up to
12 35 ~~four three~~ million ~~two five~~ hundr
12 36 for first-year and second-year beginning teachers, to
12 37 the department of education for distribution to school
12 38 districts for purposes of the beginning teacher
12 39 mentoring and induction programs. A school district
12 40 shall receive one thousand three hundred dollars per
12 41 beginning teacher participating in the program. If
12 42 the funds appropriated for the program are
12 43 insufficient to pay mentors and school districts as
12 44 provided in this paragraph, the department shall
12 45 prorate the amount distributed to school districts
12 46 based upon the amount appropriated. Moneys received
12 47 by a school district pursuant to this paragraph shall
12 48 be expended to provide each mentor with an award of
12 49 five hundred dollars per semester, at a minimum, for
12 50 participation in the school district's beginning
13 1 teacher mentoring and induction program; to implement
13 2 the plan; and to pay any applicable costs of the
13 3 employer's share of contributions to federal social
13 4 security and the Iowa public employees' retirement
13 5 system or a pension and annuity retirement system
13 6 established under chapter 294, for such amounts paid
13 7 by the district.>
13 8 #34. Page 66, by striking lines 15 through 17, and
13 9 inserting the following: <~~districts for training~~
13 10 ~~costs~~>. A portion of the funds allocated to the
13 11 department for purposes of this paragraph may be used
13 12 by the department for administrative purposes.>
13 13 #35. Page 66, line 21, by striking the words <one
13 14 hundred fifty> and inserting the following: <three
13 15 hundred>.
13 16 #36. Page 66, line 27, by striking the word <four>
13 17 and inserting the following: <two>.
13 18 #37. Page 66, line 28, by inserting after the word
13 19 <five> the following: <fifty>.
13 20 #38. Page 67, by inserting after line 8 the
13 21 following:
13 22 _____. Section 284.13, subsection 1, Code
13 23 Supplement 2003, is amended by adding the following
13 24 new paragraph:
13 25 NEW PARAGRAPH. i. For the fiscal year beginning
13 26 July 1, 2004, and ending June 30, 2005, moneys made
13 27 available for the purposes of implementing paragraphs
13 28 "d" and "e" may be allocated in the amounts, as
13 29 determined by the department, needed to implement the
13 30 purposes of paragraphs "d" and "e".
13 31 Sec. _____. Section 294A.22, Code Supplement 2003,
13 32 is amended by adding the following new unnumbered
13 33 paragraph:
13 34 NEW UNNUMBERED PARAGRAPH. If funds appropriated
13 35 are insufficient to pay phase II allocations in full,
13 36 the department of administrative services shall
13 37 prorate payments to school districts and area
13 38 education agencies.
13 39 Sec. _____. Section 284.11, Code Supplement 2003, is
13 40 repealed.>
13 41 #39. Page 67, by striking line 9 and inserting the
13 42 following:
13 43 13 44 1. The provisions of this division>.
13 45 #40. Page 67, by inserting after line 14 the
13 46 following:
13 47 <2. The section of this division of this Act,
13 48 relating to a waiver for whole-grade sharing agreement
13 49 deadlines, being deemed of immediate importance, takes

13 50 effect upon enactment and applies from the date of
14 1 enactment to June 30, 2004.>
14 2 [#41](#). Page 71, line 34, by striking the figure
14 3 <152.05> and inserting the following: <158.05>.
14 4 [#42](#). Page 72, by striking lines 4 and 5 and
14 5 inserting the following: 14 6 the department expends or>.
14 7 [#43](#). Page 74, by inserting after line 15 the
14 8 following:
14 9 14 10 and ending June 30, 2005, the board of pharmacy
14 11 examiners may retain and expend 90 percent of the
14 12 revenues generated from any increase after July 1,
14 13 2004, in licensing fees pursuant to sections 124.301
14 14 and 147.80, and chapter 155A, for purposes related to
14 15 the state board's duties, including but not limited to
14 16 the addition of full-time equivalent positions. Fees
14 17 retained by the board pursuant to this lettered
14 18 paragraph are appropriated to the board of pharmacy
14 19 examiners for the purposes described in this lettered
14 20 paragraph.>
14 21 [#44](#). Page 75, line 15, by striking the words
14 22 .
14 23 [#45](#). Page 76, line 8, by striking the words
14 24 .
14 25 [#46](#). Page 76, line 9, by inserting after the
14 26 figure <2004> the following: 14 27 the deposit of tax revenue received by the state
14 28 racing and gaming commission pursuant to section
14 29 99D.15 in the gambling treatment fund>.
14 30 [#47](#). Page 77, by inserting after line 20, the
14 31 following:
14 32 14 33 ADMINISTRATOR. The director of the Iowa department of
14 34 public health shall employ a division administrator
14 35 for the division of tobacco use prevention and control
14 36 as a full-time equivalent position with a salary
14 37 commensurate with the full-time position.
14 38 Sec. _____. LEGISLATIVE INTENT == THE STATE OF IOWA,
14 39 A HEALTHY COMMUNITY.
14 40 1. It is the intent of the general assembly that
14 41 state agencies, local communities, and individuals
14 42 begin exploring strategies and partnerships to create
14 43 a statewide community network that supports health
14 44 promotion, prevention, and chronic disease management.
14 45 2. It is the expectation of the general assembly
14 46 that such strategies and partnerships will energize
14 47 local communities to transform their cultures into
14 48 those which promote healthy lifestyles and which,
14 49 collectively, transform the state of Iowa into one
14 50 healthy community.>
15 1 [#48](#). Page 90, by inserting after line 35, the
15 2 following:
15 3 15 4 department of human services, in cooperation with the
15 5 Iowa department of public health, shall identify means
15 6 by which the food stamp program may be utilized to
15 7 promote good nutrition and healthy choices among
15 8 recipients of food stamps. The departments shall
15 9 submit a report of their findings to the general
15 10 assembly by December 15, 2004.>
15 11 [#49](#). Page 93, line 18, by striking the words
15 12 and
15 13 inserting the following: .
15 14 [#50](#). Page 96, line 26, by striking the word
15 15 and inserting the following: .
15 16 [#51](#). Page 96, by inserting after line 35, the
15 17 following:
15 18 15 19 \$100,000 shall be used for participation in one or
15 20 more pilot projects operated by a private provider to
15 21 allow the individual or individuals to receive service
15 22 in the community in accordance with principles
15 23 established in the *Olmstead v. L.C.* 527 U.S. 581
15 24 (1999) for the purpose of providing medical assistance
15 25 or other assistance to individuals with special needs
15 26 who become ineligible to continue receiving services
15 27 under the early and periodic screening, diagnosis, and
15 28 treatment program under the medical assistance program
15 29 due to becoming twenty-one years of age, who have been
15 30 approved for additional assistance through the
15 31 department's exception to policy provisions, but who
15 32 have health care needs in excess of the funding
15 33 available through the exception to the policy
15 34 provisions.>
15 35 [#52](#). Page 100, by inserting after line 10, the
15 36 following:

15 37 <___. Determine or enter a contract to identify
15 38 the incidence of chronic disease within the Iowa
15 39 medical assistance program population in order to most
15 40 effectively utilize disease management programs under
15 41 the medical assistance program. The department may
15 42 procure a sole source contract to implement this
15 43 subsection.>
15 44 #53. Page 121, by striking lines 11 and 12 and
15 45 inserting the following: 15 46 miscellaneous purposes:>
15 47 #54. Page 121, by striking line 14.
15 48 #55. Page 127, line 20, by inserting after the
15 49 word the following: 15 50 232.141, subsection 8, for the fiscal year beginning
16 1 July 1, 2004, the amount of the statewide average of
16 2 the actual and allowable rates for reimbursement of
16 3 juvenile shelter care homes that is utilized for the
16 4 limitation on recovery of unpaid costs shall remain at
16 5 the same amount in effect for this purpose in the
16 6 preceding fiscal year.>
16 7 #56. Page 128, by inserting after line 4, the
16 8 following:
16 9 _____. ADOPTION SUBSIDY PROGRAM.
16 10 1. a. It is the intent of the general assembly
16 11 that the department of human services maximize receipt
16 12 of the federal funding available for the adoption
16 13 subsidy program. The department may renegotiate
16 14 existing adoption agreements solely for the purpose of
16 15 maximizing federal funding. However, any revision of
16 16 the existing adoption monthly maintenance payment
16 17 agreement shall not result in the reduction of
16 18 benefits to these adoptive families.
16 19 b. The limitation on attorney fees under the
16 20 program shall be \$500 per recipient.
16 21 c. The department of human services shall attempt
16 22 to develop a method to obtain federal matching funds
16 23 for adoption subsidy program recipients' out-of-pocket
16 24 payments to attorneys for the portion of attorney fees
16 25 that exceed the limitation on attorney fees under the
16 26 program.
16 27 d. The department of human services shall attempt
16 28 to obtain federal matching funds for adoption subsidy
16 29 program recipients' out-of-pocket payments for child
16 30 care fees that exceed the applicable reimbursement
16 31 rate established under the child care assistance
16 32 program.
16 33 e. If cost-effective and in compliance with
16 34 federal law and regulation, the department of human
16 35 services may implement a sliding benefit scale based
16 36 upon income, for all or a portion of the adoption
16 37 presubsidy or preadoptive subsidy agreements entered
16 38 into on or after July 1, 2004.
16 39 2. It is the intent of the general assembly that
16 40 beginning July 1, 2004, adoption subsidy agreements
16 41 entered into on or after that date shall be
16 42 administered uniformly throughout the state.
16 43 3. a. Beginning July 1, 2004, the child care
16 44 subsidy payments for individuals who enter into
16 45 presubsidy or preadoptive subsidy agreements shall be
16 46 governed by the provisions of the department of human
16 47 services' child care assistance programs.
16 48 b. (1) Individuals who entered into presubsidy or
16 49 preadoptive subsidy agreements on or before June 30,
16 50 2004, shall continue to receive a child care subsidy,
17 1 notwithstanding any income guidelines specified under
17 2 the child care assistance program, and shall not be
17 3 required to meet the specifications of a specialized
17 4 program as specified in the administrative rules, but
17 5 beginning July 1, 2004, the child care subsidy rate
17 6 shall be governed by the rate ceilings under the
17 7 department of human services' child care assistance
17 8 program.
17 9 (2) The department shall notify these individuals
17 10 within thirty days of the effective date of this
17 11 section of this Act of the potential change in the
17 12 determination of the child care subsidy rate described
17 13 under this subsection, and the process for requesting
17 14 an exception to policy.
17 15 (3) If an individual requests an exception to
17 16 policy and the exception is approved, the individual
17 17 shall continue to receive the child care subsidy rate
17 18 in effect for the individual prior to July 1, 2004,
17 19 and shall be reimbursed the difference between the

17 20 prior rate and the new rate for the period of time
17 21 that the new rate was applied.

17 22 4. It is the intent of the general assembly that
17 23 any rules relating to the adoption subsidy program for
17 24 which the effective date of the rules is delayed
17 25 pursuant to section 17A.8, subsection 9, shall take
17 26 effect unless legislation enacted by the general
17 27 assembly conflicts with such rules.

17 28 5. The legislative council is requested to
17 29 establish an interim study committee to review the
17 30 adoption subsidy program, which includes a review of
17 31 current practices regarding the determination of
17 32 subsidy levels, disparities in subsidy levels among
17 33 regions of the state, program cost and benefits, the
17 34 fiscal and programmatic impact of projected future
17 35 program growth, a thorough analysis of the demographic
17 36 factors of the adoptive families as well as the
17 37 adoptive children's special needs, and quantification
17 38 of savings in other programs and services resulting
17 39 from the utilization of the adoption subsidy program.
17 40 The interim study committee shall seek input from the
17 41 department of human services, adoptive parents, and
17 42 others with experience or expertise relating to the
17 43 adoption subsidy program and related services and
17 44 supports. The interim study committee shall submit a
17 45 report of findings and recommendations to the general
17 46 assembly not later than December 1, 2004.>

17 47 #57. Page 130, line 2, by inserting after the word
17 48 the following: 17 49 Title XIX of the federal Social Security Act, any
17 50 hospital qualifying for disproportionate share
18 1 hospital reimbursement shall provide evidence to the
18 2 department that the hospital provides or participates
18 3 in a disease management program.>

18 4 #58. Page 133, by inserting after line 5 the
18 5 following:

18 6 18 7 2003, is amended to read as follows:

18 8 1. Except as otherwise provided by law, the court
18 9 shall inquire into the ability of the child or the
18 10 child's parent to pay expenses incurred pursuant to

18 11 ~~subsection subsections 2, and subsection 18 12 8.~~ After giving the parent a reasonable
opportunity

18 13 to be heard, the court may order the parent to pay all
18 14 or part of the costs of the child's care, examination,
18 15 treatment, legal expenses, or other expenses. An
18 16 order entered under this section does not obligate a
18 17 parent paying child support under a custody decree,
18 18 except that part of the monthly support payment may be
18 19 used to satisfy the obligations imposed by the order
18 20 entered pursuant to this section. If a parent fails
18 21 to pay as ordered, without good reason, the court may
18 22 proceed against the parent for contempt and may inform
18 23 the county attorney who shall proceed against the
18 24 parent to collect the unpaid amount. Any payment
18 25 ordered by the court shall be a judgment against each
18 26 of the child's parents and a lien as provided in
18 27 section 624.23. If all or part of the amount that the
18 28 parents are ordered to pay is subsequently paid by the
18 29 county or state, the judgment and lien shall
18 30 thereafter be against each of the parents in favor of
18 31 the county to the extent of the county's payments and
18 32 in favor of the state to the extent of the state's
18 33 payments.

18 34 Sec. _____. Section 234.39, Code 2003, is amended by
18 35 adding the following new subsection:

18 36 NEW SUBSECTION. 6. A support obligation for a
18 37 shelter care placement shall be determined under
18 38 section 232.141.>

18 39 #59. Page 133, by striking lines 9 through 13, and
18 40 inserting the following: 18 41 care improvement committee. The committee membership
18 42 shall include>.

18 43 #60. Page 133, line 24, by inserting after the
18 44 figure <249A.24,> the following: 18 45 the medical assistance program managed care
mental
18 46 health contract,>.

18 47 #61. Page 133, line 33, by inserting after the
18 48 word the following: 18 49 shall not apply to any prior authorization provision
18 50 in force on June 30, 2004, imposed under the existing
19 1 managed care mental health care contract or any
19 2 extension of that contract.>

19 3 #62. Page 134, line 3, by inserting after the word
19 4 the following: 19 5 may>.

19 6 #63. Page 134, by inserting after line 12, the
19 7 following:
19 8 NEW SECTION. 249A.35 MEDICAL
19 9 ASSISTANCE CRISIS INTERVENTION TEAM.
19 10 1. A medical assistance crisis intervention team
19 11 is created. The team shall consist of the following
19 12 members:
19 13 a. The president of the university of Iowa.
19 14 b. A representative of the Iowa hospital
19 15 association.
19 16 c. A representative of the Iowa medical society.
19 17 d. A representative of the Iowa pharmacy
19 18 association.
19 19 e. A representative of the Iowa health care
19 20 association.
19 21 f. A representative of the federation of Iowa
19 22 insurers.
19 23 g. A representative of the Iowa association of
19 24 community providers.
19 25 h. A representative of the medical assistance
19 26 advisory council established pursuant to section
19 27 249A.4, subsection 8.
19 28 i. Two members selected by the president of the
19 29 university of Iowa.
19 30 2. The president of the university of Iowa shall
19 31 act as the chairperson of the team. Members of the
19 32 team are entitled to receive reimbursement of actual
19 33 expenses incurred in the discharge of their duties.
19 34 3. The department of human services shall provide
19 35 staff to the team as determined by the division
19 36 administrator of the division of medical services.
19 37 4. The team shall do all of the following:
19 38 a. Provide a projection of medical assistance
19 39 program and administrative costs through June 30,
19 40 2008, based on services provided as of June 30, 2004.
19 41 b. Hold at least four monthly public meetings,
19 42 beginning in July 2004, in at least four
19 43 geographically balanced venues around the state. The
19 44 team shall submit a report of its findings from these
19 45 meetings to the general assembly on or before December
19 46 1, 2004.
19 47 5. The team may provide any additional
19 48 recommendations to the general assembly at any time
19 49 regarding the medical assistance program including but
19 50 not limited to recommendations regarding services,
20 1 eligibility, rates, care management, and program
20 2 administration.
20 3 6. The department of human services shall assist
20 4 the team as follows:
20 5 a. On or before July 1, 2004, the department shall
20 6 submit to the team and make available to the public an
20 7 initial analysis which includes all of the following
20 8 data:
20 9 (1) The number of medical assistance program
20 10 enrolled eligibles by cohort grouped on the basis of
20 11 factors such as age, income, disability, and optional
20 12 eligibility, for the period beginning July 1, 1999,
20 13 and ending June 30, 2004.
20 14 (2) A projection of the number of medical
20 15 assistance program enrolled eligibles in each of the
20 16 cohorts identified in subparagraph (1), for the period
20 17 beginning July 1, 2005, and ending June 30, 2008. The
20 18 projection shall be accompanied by a statement of the
20 19 underlying assumptions.
20 20 (3) The actual cost of all services and of each
20 21 service for each cohort described in subparagraph (1),
20 22 for the period beginning July 1, 1999, and ending June
20 23 30, 2004. The analysis of the data shall identify the
20 24 total cost for each cohort, the cost per member per
20 25 month for each cohort, and the twenty most utilized
20 26 medical procedures or services and the ten most
20 27 prevalent diagnoses associated within each cohort.
20 28 The analysis of the data shall identify, to the
20 29 greatest extent possible, the reason for changes in
20 30 total costs and the costs per member, per month during
20 31 the period, including but not limited to rate
20 32 adjustments, service utilization, and eligibility
20 33 growth.
20 34 (4) To the extent practical, a comparison of the
20 35 rates paid by commercial insurers to their Iowa
20 36 provider network and the rates paid by Medicare, with

20 37 the rates paid by the medical assistance program for
20 38 the same services, for the fiscal year beginning July
20 39 1, 2003, and ending June 30, 2004.

20 40 (5) An estimate of the program costs for the
20 41 medical assistance program for the period beginning
20 42 July 1, 2005, and ending June 30, 2008, based on all
20 43 of the following assumptions:

20 44 (a) The enrollment projections described in
20 45 subparagraph (2) and assuming reasonable change in
20 46 service utilization patterns, but no change in
20 47 provider rates in effect on June 30, 2004. The
20 48 projection shall include total and total program costs
20 49 per member, per month for each cohort and total cost
20 50 and the program cost per member per month for each
21 1 cohort for the period beginning July 1, 2005, and
21 2 ending June 30, 2008. The assumptions used in
21 3 developing the projections shall be clearly stated.

21 4 (b) The enrollment projections described in
21 5 subparagraph (2) and assuming reasonable change in
21 6 service utilization patterns, and additionally
21 7 assuming that all medical assistance program fee for
21 8 service rates are equal to ninety-eight percent of the
21 9 usual and customary charges for such service in the
21 10 fiscal year beginning July 1, 2003, and ending June
21 11 30, 2004, and grow at an annual rate of two percent
21 12 annually through June 30, 2008, and assuming that
21 13 commensurate changes are made in rates paid to medical
21 14 assistance program managed care organizations.

21 15 (6) If the projections for later years exceed the
21 16 spending standard established in subparagraph (5),
21 17 subparagraph subdivision (b), a base rate and the
21 18 annual inflation adjustments that would result in
21 19 spending being limited to the spending standard
21 20 established in that paragraph.

21 21 (7) A description of the cost, member, provider,
21 22 and service quality impact of all of the following:

21 23 (a) Application of medical assistance program
21 24 allowable limits on optional services.

21 25 (b) Service utilization control strategies
21 26 including managed care and prior authorization in the
21 27 pharmacy, medical and behavioral, and long-term care
21 28 areas that have been utilized in other states or
21 29 jurisdictions that could potentially be utilized in
21 30 Iowa. The department shall identify the
21 31 administrative costs associated with each strategy.

21 32 (c) Accessible disease management and enhanced
21 33 primary care case management strategies with
21 34 particular attention to the timing of costs and
21 35 benefits.

21 36 (d) Accessible health promotion strategies and
21 37 disease prevention activities with particular
21 38 attention to the timing of costs and benefits.

21 39 (e) Enhanced surveillance and utilization review,
21 40 revenue collection, estate recovery, and cost
21 41 avoidance activities in future years.

21 42 (f) The federal Prescription Drug and Medicare
21 43 Improvement Act of 2003.

21 44 (g) The program options and cost savings
21 45 potentially associated with reducing the populations
21 46 of intermediate care facilities for the mentally
21 47 retarded and nursing facilities due to the
21 48 availability of home and community-based services,
21 49 including consumer-directed home care.

21 50 b. The department shall present the analysis
22 1 described in paragraph "a" at the initial meeting of
22 2 the team in July 2004. The department shall adjust,
22 3 expand, or otherwise modify its analysis based on the
22 4 requests of the team at its subsequent monthly
22 5 meetings and shall assist the team in compiling the
22 6 team's final report to the general assembly.

22 7 Sec. _____. REPORT == MEDICAID PROGRAM FINANCING.

22 8 On or before August 1, 2004, the department of human
22 9 services shall submit a report to the chairpersons and
22 10 ranking members of the joint appropriations
22 11 subcommittee on health and human services, the
22 12 legislative services agency, the legislative caucus
22 13 staffs, and the medical assistance crisis intervention
22 14 team created in section 249A.35, providing
22 15 recommendations to reduce costs or provide revenue
22 16 enhancements to reduce the projected program and
22 17 administrative costs of the medical assistance program

22 18 by \$130,000,000 for the fiscal year beginning July 1,
22 19 2005, and ending June 30, 2006.>

22 20 #64. Page 138, by inserting after line 11, the

1
22 21 following:

22 22 <____. The section of this division of this Act
22 23 creating section 249A.35, relating to the medical
22 24 assistance crisis intervention team, takes effect upon
22 25 enactment.>

22 26 #65. Page 138, by inserting after line 15 the

1
22 27 following:

22 28 <____. The section of this division of this Act
22 29 relating to the adoption subsidy program.>

22 30 #66. Page 141, by striking lines 1 through 8 and

1
22 31 inserting the following:

22 32 <____. Five million dollars of the moneys
22 33 appropriated in this subsection shall be transferred
22 34 to the senior living revolving loan program fund
22 35 created in section 16.182 for the purposes of that
22 36 section.

22 37 _____. Two million dollars of the moneys
22 38 appropriated in this subsection shall be transferred
22 39 to the home and community-based services revolving
22 40 loan program fund created in section 16.183 for the
22 41 purposes of that section.>

22 42 #67. Page 144, by inserting after line 3 the

1
22 43 following:

22 44 _____. NEW SECTION. 16.182 SENIOR LIVING
22 45 REVOLVING LOAN PROGRAM FUND.

22 46 1. A senior living revolving loan program fund is
22 47 created within the authority to further the goal of
22 48 the senior living program as specified in section
22 49 249H.2. The moneys in the senior living revolving
22 50 loan program fund shall be used by the authority for
23 1 the development and operation of a revolving loan
23 2 program to provide financing to construct affordable
23 3 assisted living and service-enriched affordable
23 4 housing for seniors and persons with disabilities,
23 5 including through new construction or acquisition and
23 6 rehabilitation.

23 7 2. Moneys received by the authority from the
23 8 senior living trust fund, transferred by the authority
23 9 for deposit in the senior living revolving loan
23 10 program fund, moneys appropriated to the senior living
23 11 revolving loan program, and any other moneys available
23 12 to and obtained or accepted by the authority for
23 13 placement in the senior living revolving loan program
23 14 fund shall be deposited in the fund. Additionally,
23 15 payment of interest, recaptures of awards, and other
23 16 repayments to the senior living revolving loan program
23 17 fund shall be deposited in the fund. Notwithstanding
23 18 section 12C.7, subsection 2, interest or earnings on
23 19 moneys in the senior living revolving loan program
23 20 fund shall be credited to the fund. Notwithstanding
23 21 section 8.33, moneys that remain unencumbered or
23 22 unobligated at the end of the fiscal year shall not
23 23 revert but shall remain available for the same purpose
23 24 in the succeeding fiscal year.

23 25 3. The authority shall annually allocate moneys
23 26 available in the senior living revolving loan program
23 27 fund for the development of affordable assisted living
23 28 and service-enriched affordable housing for seniors
23 29 and persons with disabilities. The authority shall
23 30 develop a joint application process for the allocation
23 31 of federal low-income housing tax credits and funds
23 32 available under this section. Moneys allocated to
23 33 such developments may be in the form of loans, grants,
23 34 or a combination of loans and grants.

23 35 4. The authority shall adopt rules pursuant to
23 36 chapter 17A to administer this section.

23 37 Sec. _____. NEW SECTION. 16.183 HOME AND
23 38 COMMUNITY-BASED SERVICES REVOLVING LOAN PROGRAM FUND.

23 39 1. A home and community-based services revolving
23 40 loan program fund is created within the authority to
23 41 further the goals specified in section 231.3, adult
23 42 day services, respite services, and congregate meals.
23 43 The moneys in the home and community-based services
23 44 revolving loan program fund shall be used by the

23 45 authority for the development and operation of a
23 46 revolving loan program to develop and expand
23 47 facilities and infrastructure that provide adult day
23 48 services, respite services, and congregate meals that
23 49 address the needs of persons with low incomes.
23 50 2. Moneys received by the authority from the
24 1 senior living trust fund, transferred by the authority
24 2 for deposit in the home and community-based services
24 3 revolving loan program fund, moneys appropriated to
24 4 the home and community-based services revolving loan
24 5 program, and any other moneys available to and
24 6 obtained or accepted by the authority for placement in
24 7 the home and community-based services revolving loan
24 8 program fund shall be deposited in the fund.
24 9 Additionally, payment of interest, recaptures of
24 10 awards, and other repayments to the senior living
24 11 revolving loan program fund shall be deposited in the
24 12 fund. Notwithstanding section 12C.7, subsection 2,
24 13 interest or earnings on moneys in the home and
24 14 community-based services revolving loan program fund
24 15 shall be credited to the fund. Notwithstanding
24 16 section 8.33, moneys that remain unencumbered or
24 17 unobligated at the end of the fiscal year shall not
24 18 revert but shall remain available for the same purpose
24 19 in the succeeding fiscal year.
24 20 3. The authority, in cooperation with the
24 21 department of elder affairs, shall annually allocate
24 22 moneys available in the home and community-based
24 23 services revolving loan program fund to develop and
24 24 expand facilities and infrastructure that provide
24 25 adult day services, respite services, and congregate
24 26 meals that address the needs of persons with low
24 27 incomes.
24 28 4. The authority shall adopt rules pursuant to
24 29 chapter 17A to administer this section.>
24 30 #68. Page 145, by inserting after line 11 the

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24 31 following:
24 32 _____. Section 331.438, subsection 4,
24 33 paragraph b, Code 2003, is amended by adding the
24 34 following new subparagraph:
24 35 NEW SUBPARAGRAPH. (16) Develop a procedure for
24 36 each county to disclose to the department of human
24 37 services information approved by the commission
24 38 concerning the mental health, mental retardation,
24 39 developmental disabilities, and brain injury services
24 40 provided to the individuals served through the county
24 41 central point of coordination process. The procedure
24 42 shall incorporate protections to ensure that if
24 43 individually identified information is disclosed, it
24 44 is disclosed and maintained in compliance with
24 45 applicable Iowa and federal confidentiality laws,
24 46 including but not limited to federal Health Insurance
24 47 Portability and Accountability Act requirements.>
24 48 #69. Page 147, by inserting after line 5 the

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24 49 following:
24 50 <NEW SUBSECTION. 6. Each county shall submit a
25 1 report to the Iowa state association of counties to be
25 2 shared with the legislative services agency on or
25 3 before January 31, 2005, regarding the unaudited
25 4 expenditures from the county's mental health, mental
25 5 retardation, and developmental disabilities services
25 6 fund.>
25 7 #70. Page 161, by striking lines 2 through 12.

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25 8 #71. Page 167, by inserting after line 31 the
1
25 9 following:
25 10 25 11 subsection, there is transferred from the moneys
25 12 credited during the fiscal year beginning July 1,
25 13 2004, to the depreciation fund maintained by the
25 14 department of administrative services pursuant to
25 15 section 8A.365, for purposes of the motor pool, to the
25 16 vehicle depreciation account maintained by the
25 17 department of public safety for vehicles utilized by
25 18 the division of the Iowa state patrol. During the
25 19 fiscal year the department of administrative services
25 20 shall credit to the depreciation fund at least
25 21 \$475,000 for purposes of the motor pool. The moneys
25 22 shall be transferred to the department of public

25 23 safety on a monthly basis. Moneys transferred
25 24 pursuant to this paragraph are appropriated to the
25 25 department of public safety for purposes of vehicle
25 26 replacement for the division of the Iowa state patrol.
25 27 Notwithstanding section 8.33, moneys transferred in
25 28 this paragraph that remain unencumbered or unobligated
25 29 at the close of the fiscal year shall not revert but
25 30 shall remain available for expenditure from the
25 31 department of public safety's vehicle depreciation
25 32 account for the purposes designated until the close of
25 33 the fiscal year that begins July 1, 2005.>
25 34 #72. Page 169, by inserting after line 2 the

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25 35 following:

25 36 _____. Section 8D.9, Code Supplement 2003, is
25 37 amended by adding the following new subsection:
25 38 NEW SUBSECTION. 4. A community college receiving
25 39 federal funding to conduct first responder training
25 40 and testing regarding homeland security first
25 41 responder communication and technology-related
25 42 research and development projects shall be authorized
25 43 to utilize the network for testing purposes.>

25 44 #73. Page 169, by striking lines 3 through 16.

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25 45 #74. Page 169, line 27, by striking the words <the

25 46 effective date of this Act> and inserting the

25 47 following: <July 1, 2004>.

25 48 #75. Page 170, by striking lines 1 through 17.

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25 49 #76. Page 171, by inserting after line 30 the

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25 50 following:

26 1 NEW SECTION. 564.9 DEPARTMENT OF
26 2 NATURAL RESOURCES == ACCESS.

26 3 1. The department of natural resources shall grant
26 4 the owner of a parcel of land access to a public road
26 5 if any of the following applies:

26 6 a. It is otherwise impossible for the owner to
26 7 access the public road because the parcel is
26 8 surrounded by land held by the department.

26 9 b. The parcel is otherwise surrounded by land with
26 10 a topography that makes access unreasonable.

26 11 c. Access by another way would cause degradation
26 12 or destroy the integrity of the land.

26 13 2. The department may grant access to the owner by
26 14 the sale, exchange, or other transfer of land or by
26 15 the grant of an easement.

26 16 3. A person entitled to access as provided in this
26 17 section may construct a road for automobile traffic
26 18 from the parcel to the public road. The owner shall
26 19 be responsible for constructing and maintaining any
26 20 private road from the parcel to the public road which
26 21 shall not be more than twenty feet in width unless
26 22 otherwise agreed to by the parties.>

26 23 #77. By striking page 173, line 28, through page

1
26 24 174, line 11.

26 25 #78. Page 177, line 17, by striking the word and

1
26 26 figures <13B.4, subsection 2,>.

26 27 #79. Page 177, by striking lines 20 through 24.

1
26 28 #80. Page 179, by inserting after line 19 the

1
26 29 following:

26 30 26 31 the fiscal year beginning July 1, 2004, the state
26 32 appeal board may pay out of any moneys in the state
26 33 treasury not otherwise appropriated for costs
26 34 associated with streamlining and improving the state
26 35 appeal board process.>

26 36 #81. Page 179, by inserting after line 19 the

1
26 37 following:

26 38 _____. Section 8.22A, subsection 3, Code
26 39 Supplement 2003, is amended to read as follows:

26 40 3. By December 15 of each fiscal year the
26 41 conference shall agree to a revenue estimate for the
26 42 fiscal year beginning the following July 1. That

26 43 estimate shall be used by the governor in the

26 44 preparation of the budget message under section 8.22

26 45 and by the general assembly in the budget process. If

26 46 the conference agrees to a different estimate at a
26 47 later meeting which projects a greater amount of
26 48 revenue than the initial estimate amount agreed to by
26 49 December 15, the governor and the general assembly
26 50 shall continue to use the initial estimate amount in
27 1 the budget process for that fiscal year. However, if
27 2 the conference agrees to a different estimate at a
27 3 later meeting which projects a lesser amount of
27 4 revenue than the initial estimate amount, the governor
27 5 and the general assembly shall use the lesser amount
27 6 in the budget process for that fiscal year. As used
27 7 in this subsection, "later meeting" means only those
27 8 later meetings which are held prior to the conclusion
27 9 of the regular session of the general assembly and, if
27 10 the general assembly holds an extraordinary session
27 11 prior to the commencement of the fiscal year to which
27 12 the estimate applies, those later meetings which are
27 13 held before or during the extraordinary session.

27 14 Sec. _____. Section 8.54, subsection 2, Code 2003,
27 15 is amended to read as follows:
27 16 2. There is created a state general fund
27 17 expenditure limitation for each fiscal year ~~beginning~~
27 18 ~~on or after July 1, 1993,~~ calculated as provided in
27 19 this section. An expenditure limitation shall be used
27 20 for the portion of the budget process commencing on
27 21 the date the revenue estimating conference agrees to a
27 22 revenue estimate for the following fiscal year in
27 23 accordance with section 8.22A, subsection 3, and
27 24 ending with the governor's final approval or
27 25 disapproval of the appropriations bills applicable to
27 26 that fiscal year that were passed prior to July 1 of
27 27 that fiscal year in a regular or extraordinary
27 28 legislative session.>

27 29 #82. Page 180, by inserting after line 5 the

1
27 30 following:

27 31 _____. Section 8.62, Code Supplement 2003, is
27 32 amended by adding the following new subsection:
27 33 NEW SUBSECTION. 4. Notwithstanding any provision
27 34 of this section and sections 8.33 and 8.39 to the
27 35 contrary, if a full-time equivalent position budgeted
27 36 for within an appropriation from the general fund of
27 37 the state to a department or establishment other than
27 38 the state board of regents is vacant for all or a
27 39 portion of the fiscal year, an amount equal to the
27 40 salary and benefits associated with the time of
27 41 vacancy of the position shall be considered to be
27 42 encumbered for the period of the vacancy, shall not be
27 43 used for any other purpose, and the encumbered amount
27 44 shall revert to the general fund of the state at the
27 45 close of the fiscal year.>

27 46 #83. Page 181, by inserting after line 15 the

1
27 47 following:

27 48 _____. Section 35A.2, Code 2003, is amended to
27 49 read as follows:

27 50 35A.2 COMMISSION OF VETERANS AFFAIRS.

28 1 1. A commission of veterans affairs is created
28 2 consisting of ~~seven~~ nine persons who shall be
28 3 appointed by the governor, subject to confirmation by
28 4 the senate. Members shall be appointed to staggered
28 5 terms of four years beginning and ending as provided
28 6 in section 69.19. The governor shall fill a vacancy
28 7 for the unexpired portion of the term.

28 8 2. Six commissioners shall be honorably discharged
28 9 members of the armed forces of the United States. The
28 10 American legion of Iowa, disabled American veterans
28 11 department of Iowa, veterans of foreign wars
28 12 department of Iowa, American veterans of World War II,
28 13 Korea, and Vietnam, the Vietnam veterans of America,
28 14 and the military order of the purple heart, through
28 15 their department commanders, shall submit two names
28 16 respectively from their organizations to the governor.
28 17 The governor shall appoint from each of the
28 18 organizations one representative to serve as a member
28 19 of the commission, unless the appointments would
28 20 conflict with the bipartisan and gender balance
28 21 provisions of sections 69.16 and 69.16A. In addition,
28 22 the governor shall appoint ~~one member~~ three members of
28 23 the public, knowledgeable in the general field of
28 24 veterans affairs, to serve on the commission.>

28 25 #84. Page 182, by inserting after line 2 the
1
28 26 following:
28 27 _____. Section 35D.13, subsection 2, Code
28 28 2003, is amended by striking the subsection and
28 29 inserting in lieu thereof the following:
28 30 2. The commandant shall be a licensed nursing home
28 31 administrator.>
28 32 #85. Page 182, by inserting after line 12 the

1
28 33 following:
28 34 _____. Section 135C.31A, Code Supplement 2003,
28 35 is amended to read as follows:
28 36 135C.31A ASSESSMENT OF RESIDENTS == PROGRAM
28 37 ELIGIBILITY.
28 38 Beginning July 1, 2003, a health care facility
28 39 receiving reimbursement through the medical assistance
28 40 program under chapter 249A shall assist the Iowa
28 41 commission of veterans affairs in identifying, upon
28 42 admission of a resident, the resident's eligibility
28 43 for benefits through the federal department of
28 44 veterans affairs. The health care facility shall also
28 45 assist the Iowa commission of veterans affairs in
28 46 determining such eligibility for residents residing in
28 47 the facility on July 1, 2003. The department of
28 48 inspections and appeals, in cooperation with the
28 49 department of human services, shall adopt rules to
28 50 administer this section, including a provision that
29 1 ensures that if a resident is eligible for benefits
29 2 through the federal department of veterans affairs or
29 3 other third-party payor, the payor of last resort for
29 4 reimbursement to the health care facility is the
29 5 medical assistance program. This section shall not
29 6 apply to the admission of an individual to a state
29 7 mental health institute for acute psychiatric care or
29 8 to the admission of an individual to the Iowa veterans
29 9 home.>

29 10 #86. Page 182, by inserting after line 12 the
1
29 11 following:
29 12 NEW SECTION. 153.40 MOBILE DENTAL
29 13 DELIVERY SYSTEM.
29 14 The Iowa department of public health shall
29 15 establish and implement a mobile dental delivery
29 16 system to make available dental supplies, portable
29 17 dental equipment, and vans to be used in transporting
29 18 the equipment to provide oral health services to and
29 19 improve the oral health of low-income persons who live
29 20 in federal or state-designated health professional
29 21 shortage areas and have the least access to oral
29 22 health services. The department shall coordinate the
29 23 program. Funds available for improving oral health
29 24 may also be used for loan forgiveness for dental
29 25 providers or to develop oral health training modules
29 26 for nursing home staff or other suitable staff who
29 27 provide oral health services to persons described in
29 28 this section.>

29 29 #87. Page 182, line 27, by inserting after the
1
29 30 word the following: 29 31 and benefits of administrators and>.
29 32 #88. Page 182, line 28, by striking the words

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29 33 and
29 34 inserting the following: .
29 35 #89. Page 183, by inserting before line 1 the

1
29 36 following:
29 37 _____. Section 256D.3, subsection 3, Code
29 38 2003, is amended to read as follows:
29 39 3. Beginning January 15, ~~2004~~ 2005, the department
29 40 shall submit an annual report to the chairpersons and
29 41 ranking members of the senate and house education
29 42 committees that includes the statewide average school
29 43 district class size in basic skills instruction in
29 44 kindergarten through grade three, by grade level and
29 45 by district size, and describes school district
29 46 progress toward achieving early intervention block
29 47 grant program goals and the ways in which school
29 48 districts are using moneys received pursuant to
29 49 ~~section 256D.4~~ this chapter and expended as provided
29 50 in section 256D.2.>

30 1 [#90](#). By striking page 183, line 32 through page
1
30 2 184, line 9, and inserting the following:
30 3 _____. Section 257.8, subsection 1, Code
30 4 Supplement 2003, is amended to read as follows:
30 5 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
~~30 6 growth for the budget year beginning July 1, 2003, is~~
~~30 7 two percent. The state percent of growth for the~~
30 8 budget year beginning July 1, 2004, is two percent.
30 9 The state percent of growth for the budget year
~~30 10 beginning July 1, 2005, is four percent.~~ The state
30 11 percent of growth for each subsequent budget year
30 12 shall be established by statute which shall be enacted
30 13 within thirty days of the submission in ~~the year~~
~~30 14 preceding the base year of the governor's budget under~~
30 15 section 8.21. The establishment of the state percent
30 16 of growth for a budget year shall be the only subject
30 17 matter of the bill which enacts the state percent of
30 18 growth for a budget year.>
30 19 [#91](#). Page 184, by striking lines 19 through 34.
1
30 20 [#92](#). By striking page 184, line 35, through page
1
30 21 185, line 9.
30 22 [#93](#). Page 186, by striking lines 3 and 4 and
1
30 23 inserting the following: ~~7~~
~~30 24 except for county hospitals as provided in paragraph~~
~~30 25 "c" of this subsection, and which>.~~
30 26 [#94](#). Page 186, by striking lines 7 and 8 and
1
30 27 inserting the following: <"g" except that
30 28 institutions defined in paragraph "c" of this
30 29 subsection are exempt from the requirements of
30 30 paragraphs "a" and "b":>
30 31 [#95](#). Page 186, lines 9 and 10, by striking the
1
30 32 words and inserting the following: 30 33 and>.
30 34 [#96](#). Page 186, by striking lines 12 through 15.
1
30 35 [#97](#). Page 186, line 16, by striking the word
1
30 36 and inserting the following: 30 37 accredited by the north central association of
30 38 colleges and secondary schools accrediting agency
30 39 based on their requirements, are exempt from taxation
30 40 under section 501(c)(3) of the Internal Revenue Code,
30 41 and annually>.
30 42 [#98](#). Page 186, line 27, by inserting after the
1
30 43 word the following: 30 44 income is not exempt from taxation under section
30 45 501(c) of the Internal Revenue Code and whose students
30 46 were eligible to receive Iowa tuition grant money in
30 47 the fiscal year beginning July 1, 2003, shall meet the
30 48 match requirements of this paragraph no later than
30 49 June 30, 2005.>
30 50 [#99](#). By striking page 186, line 35 through page
1
31 1 187, line 1 and inserting the following:
31 2 <NEW SUBSECTION. 23. Submit annually to the
31 3 department of education data regarding the salaries
31 4 and benefits of administrators and from the most
31 5 recent>.
31 6 [#100](#). Page 187, by striking lines 21 and 22 and
1
31 7 inserting the following: <board shall submit annually
31 8 to the department of education data regarding the
31 9 salaries and benefits of administrators and from the
31 10 most recent contract>.
31 11 [#101](#). Page 188, by inserting after line 13 the
1
31 12 following:
31 13 _____. NEW SECTION. 280A.1 IOWA LEARNING
31 14 TECHNOLOGY INITIATIVE.
31 15 1. INITIATIVE. The Iowa learning technology
31 16 initiative is created to provide training and learning
31 17 opportunities to public and accredited nonpublic
31 18 school students in grade seven and their

31 19 administrators and teachers.
31 20 2. PILOT PROGRAM. The Iowa learning technology
31 21 commission created in section 280A.2 shall develop and
31 22 administer the Iowa learning technology initiative,
31 23 which shall include a pilot program. Upon the receipt
31 24 or pledge of sufficient moneys, as determined by the
31 25 commission, for deposit in the Iowa learning
31 26 technology fund created in section 280A.4, the pilot
31 27 program shall be implemented. A school district or
31 28 accredited nonpublic school may submit an application
31 29 to participate in the pilot program to the commission
31 30 no later than sixty days following receipt or pledge
31 31 of moneys into the Iowa learning technology fund. The
31 32 application shall include a written statement that
31 33 indicates a dedicated willingness to participate.
31 34 School districts or accredited nonpublic schools
31 35 chosen to participate in the pilot program shall have
31 36 demonstrated to the commission administrative
31 37 leadership, teacher willingness to participate, and
31 38 community support, and shall represent geographically
31 39 distinct rural, urban, and suburban areas of the
31 40 state. The commission shall notify applicants of
31 41 approval or disapproval of applications no later than
31 42 seventy-five days after the application deadline.
31 43 3. PUBLIC-PRIVATE PARTNERSHIP.
31 44 a. The Iowa learning technology commission shall,
31 45 in consultation with the department of education and
31 46 the department of administrative services, develop and
31 47 issue no later than forty-five days after the receipt
31 48 or pledge of moneys into the Iowa learning technology
31 49 fund, a request for proposals for one or more private
31 50 providers who shall partner with the state to
32 1 implement the pilot program phase of the initiative.
32 2 No later than forty-five days after the issuance of
32 3 the request for proposals, the commission shall select
32 4 finalists from among the proposals submitted. No
32 5 later than forty-five days after the selection of
32 6 finalists, the commission shall select one or more
32 7 private providers.
32 8 b. One or more private providers shall be selected
32 9 by the commission through a request for proposals
32 10 process for a total solutions learning technology
32 11 package that includes, but is not limited to,
32 12 hardware, software, professional development, and
32 13 service and support, which shall be managed by a
32 14 single point of contact responsible for the overall
32 15 implementation. The proposal selected by the
32 16 commission shall achieve significant efficiencies and
32 17 economies of scale, be interoperable with existing
32 18 technologies, and be consistent with the state's
32 19 economic development and education policies. In
32 20 selecting a private provider, the commission shall
32 21 consider all of the following with respect to the
32 22 private provider:
32 23 (1) Experience in the development and successful
32 24 implementation of large-scale, school-based wireless
32 25 and other learning technology projects, and the
32 26 technical ability to deliver a total solutions package
32 27 of learning technology for elementary and secondary
32 28 students and teachers.
32 29 (2) Demonstrated financial capability and long-
32 30 term stability to partner with the state over the term
32 31 of the private provider contract.
32 32 (3) Expertise, experience, and capabilities in
32 33 education practice and evaluation methods.
32 34 c. The commission shall conduct, in cooperation
32 35 with the attorney general, contract negotiations to
32 36 establish a public-private partnership on behalf of
32 37 the commission and enter into a contract negotiated
32 38 with one or more private providers to establish a
32 39 four-year learning technology pilot program to provide
32 40 a wireless laptop computer to each student, teacher,
32 41 and relevant administrator in a participating school
32 42 and implement the use of software, on-line courses,

32 43 and other appropriate learning technologies that have
32 44 been shown to improve academic achievement and
32 45 specified progress measures. The term of the contract
32 46 shall include the deployment of computers to students
32 47 and teachers in participating school districts and
32 48 accredited nonpublic schools in accordance with
32 49 subsection 2.

32 50 4. EVALUATION. To measure the effectiveness of
33 1 the pilot program established pursuant to subsection
33 2 2, the Iowa learning technology commission shall, at a
33 3 minimum, establish standards and methods of measuring
33 4 progress in the areas of increased student engagement,
33 5 decreased disciplinary problems, increased use of
33 6 computers for writing, analysis, and research,
33 7 movement toward student-centered classrooms, increased
33 8 parental involvement, and increases in standardized
33 9 test scores. The commission shall work cooperatively
33 10 with the department of education and the state board
33 11 of regents in establishing an evaluation process
33 12 pursuant to this subsection.

33 13 Sec. ____ . NEW SECTION. 280A.2 COMMISSION ==
33 14 MEMBERS.

33 15 1. COMMISSION CREATED. An Iowa learning
33 16 technology commission is created to establish the
33 17 policies and determine the necessary budget for
33 18 implementation of the Iowa learning technology
33 19 initiative.

33 20 2. MEMBERS. The commission shall initially be
33 21 appointed no later than July 1, 2004, and shall
33 22 consist of eighteen members appointed as follows:

33 23 a. Nine voting members who shall be members of the
33 24 general public and shall be appointed as follows:

33 25 (1) Two members shall be appointed by the
33 26 governor.

33 27 (2) Two members shall be appointed by the
33 28 president of the senate.

33 29 (3) One member shall be appointed by the minority
33 30 leader of the senate.

33 31 (4) Two members shall be appointed by the speaker
33 32 of the house of representatives.

33 33 (5) One member shall be appointed by the minority
33 34 leader of the house of representatives.

33 35 (6) One member who is a member of the state board
33 36 of education shall be appointed by the chairperson of
33 37 the state board.

33 38 b. Nine ex officio, nonvoting members who shall be
33 39 appointed as follows:

33 40 (1) One member representing public postsecondary
33 41 education institutions who is employed by a public
33 42 postsecondary education institution shall be appointed
33 43 by the governor.

33 44 (2) Three members representing three different
33 45 school districts shall be appointed by the governor as
33 46 follows:

33 47 (a) One member shall be a teacher employed by a
33 48 school district or area education agency who is
33 49 appointed from a list of three names submitted by a
33 50 certified employee organization representing teachers
34 1 licensed under chapter 272.

34 2 (b) One member shall be an administrator employed
34 3 by a school district who is appointed from a list of
34 4 three names submitted by a statewide organization
34 5 representing administrators licensed under chapter
34 6 272.

34 7 (c) One member shall be a member of a board of
34 8 directors of a school district who is appointed by a
34 9 statewide organization representing school boards.

34 10 (3) One member representing area education
34 11 agencies shall be appointed by the governor from a
34 12 list of three names submitted by area education agency
34 13 administrators.

34 14 (4) One member who is a member of the senate shall
34 15 be appointed by the president of the senate.

34 16 (5) One member who is a member of the senate shall

34 17 be appointed by the minority leader of the senate.
34 18 (6) One member who is a member of the house of
34 19 representatives shall be appointed by the speaker of
34 20 the house of representatives.
34 21 (7) One member who is a member of the house of
34 22 representatives shall be appointed by the minority
34 23 leader of the house.
34 24 3. EXPERIENCE AND SPECIAL KNOWLEDGE. In
34 25 appointing members to the commission, proper
34 26 consideration shall be given to persons with
34 27 experience or special knowledge in one or more of the
34 28 following areas: education, business, economic
34 29 development, technology, and finance.
34 30 4. BALANCE. Commission members shall be appointed
34 31 in compliance with sections 69.16 and 69.16A.
34 32 Appointments of public members shall be made to
34 33 provide broad representation of the various
34 34 geographical areas of the state insofar as possible.
34 35 5. CHAIRPERSONS. The commission shall elect a
34 36 chairperson and a vice chairperson annually from among
34 37 the voting members of the commission. A member shall
34 38 not serve as a chairperson or vice chairperson for
34 39 more than three consecutive years.
34 40 6. MEETINGS. The commission shall meet at least
34 41 three times each year.
34 42 7. QUORUM. A majority of the voting members
34 43 constitutes a quorum for the transaction of any
34 44 official business.
34 45 8. TERMS OF MEMBERS. The members shall be
34 46 appointed to three-year staggered terms and the terms
34 47 shall commence and end as provided by section 69.19.
34 48 If a vacancy occurs, a successor shall be appointed to
34 49 serve the unexpired term. A successor shall be
34 50 appointed in the same manner and subject to the same
35 1 qualifications as the original appointment to serve
35 2 the unexpired term.
35 3 9. EXPENSES. Members of the commission are
35 4 entitled to receive reimbursement for actual expenses
35 5 incurred while engaged in the performance of official
35 6 duties from the Iowa learning technology fund created
35 7 in section 280A.4, except that legislators' expenses
35 8 shall be paid from funds appropriated by section 2.12.
35 9 Sec. _____. NEW SECTION. 280A.3 COMMISSION PLAN ==
35 10 GUIDING PRINCIPLES.
35 11 1. The Iowa learning technology commission created
35 12 in section 280A.2 shall develop a learning technology
35 13 plan to achieve the goal of preparing students for an
35 14 economy that is increasingly dependent on technology
35 15 and innovation. The commission shall examine the use
35 16 of technology in Iowa's and the nation's elementary
35 17 and secondary classrooms.
35 18 2. The plan developed by the commission shall
35 19 include, but not be limited to, the following:
35 20 a. The costs and benefits of each component of the
35 21 plan.
35 22 b. The professional development needed to
35 23 integrate learning technology into classroom
35 24 technology.
35 25 c. Strategies for implementation of the plan,
35 26 including, at a minimum, phasing in the plan over a
35 27 term of years.
35 28 d. Strategies that coordinate the learning
35 29 technology in kindergarten through grade twelve with
35 30 the initiatives and resources of the department of
35 31 education, Iowa communications network, area education
35 32 agencies, higher education institutions providing
35 33 approved practitioner preparation programs, and other
35 34 accredited postsecondary institutions in the state.
35 35 e. Procedures for data tracking and assessment of
35 36 the progress in implementing the goals of the
35 37 initiative and the plan.
35 38 f. Strategies to establish a public-private
35 39 partnership between state government and a private
35 40 sector business having relevant knowledge and

35 41 experience.
35 42 3. The plan shall be consistent with the following
35 43 guiding principles:
35 44 a. The plan shall promote equal opportunity for
35 45 and provide meaningful access to wireless and other
35 46 learning technology resources for all Iowa students
35 47 regardless of geographic location or economic means.
35 48 b. The plan shall support student achievement
35 49 through the integration of learning technologies that
35 50 are content-focused and that add value to existing
36 1 instructional methods.
36 2 c. The plan shall provide for the future
36 3 sustainability of learning technology resources by
36 4 adapting to future educational needs and technological
36 5 changes.
36 6 d. The plan shall provide professional development
36 7 and training programs for administrators, teachers and
36 8 other educators in the use and integration of learning
36 9 technology tools in curriculum development,
36 10 instructional methods, and student assessment systems.
36 11 e. The plan shall foster economic development
36 12 across all regions of the state and the preparation of
36 13 students for an economy that embraces technology and
36 14 innovation.
36 15 4. The plan shall be submitted to the general
36 16 assembly on or before December 15, 2004.
36 17 Sec. _____. NEW SECTION. 280A.4 FUND.
36 18 1. An Iowa learning technology fund is created in
36 19 the state treasury. The fund shall consist of moneys
36 20 including, but not limited to, moneys in the form of a
36 21 devise, gift, bequest, donation, federal or other
36 22 grant, reimbursement, repayment, judgment, transfer,
36 23 payment, or appropriation from any source intended to
36 24 be used for the purposes of the fund.
36 25 2. Moneys in the fund are appropriated to the Iowa
36 26 learning technology commission created in section
36 27 280A.2 for purposes of an Iowa learning technology
36 28 initiative created pursuant to section 280A.1. Moneys
36 29 in the fund shall not be subject to appropriation for
36 30 any other purpose by the general assembly. However,
36 31 moneys in the fund may be used for necessary audit
36 32 services, legal expenses, investment management fees
36 33 and services, and general administrative expenses
36 34 related to the management and administration of the
36 35 Iowa learning technology initiative.
36 36 3. Moneys in the fund are not subject to section
36 37 8.33. Notwithstanding section 12C.7, subsection 2,
36 38 interest or earnings on moneys deposited in the fund
36 39 shall be credited to the fund.
36 40 4. The fund shall be administered by the
36 41 commission, which shall make expenditures from the
36 42 fund consistent with the purposes of the initiative
36 43 without further appropriation. The fund shall be
36 44 administered in a manner that provides for the
36 45 financially sustainable support, use, and integration
36 46 of learning technology in Iowa schools through a
36 47 public-private partnership. Expenditures from the
36 48 fund shall be made consistent with the purposes of the
36 49 Iowa learning technology initiative to ensure one-to=
36 50 one access to and ubiquitous use of fully configured
37 1 laptop computers in grade seven in public and
37 2 accredited nonpublic school classrooms located
37 3 initially in a number of school districts and
37 4 accredited nonpublic schools in Iowa as determined by
37 5 the Iowa learning technology commission.
37 6 Sec. _____. NEW SECTION. 280A.5 REPEAL.
37 7 This chapter is repealed effective July 1, 2009.>
37 8 #102. Page 190, line 14, by inserting after the

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37 9 word the following: <unless the period
37 10 is extended as provided in section 422E.2, subsection
37 11 5>.
37 12 #103. Page 190, line 16, by striking the word

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37 13 <The>.

37 14 #104. Page 190, by striking lines 17 through 20.

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37 15 #105. Page 191, by inserting before line 11 the

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37 16 following:

37 17 _____. Section 422E.2, subsection 5,
37 18 paragraphs a and b, Code Supplement 2003, are amended
37 19 to read as follows:

37 20 a. The tax may be repealed, the period of
37 21 imposition of the tax may be extended for additional
37 22 periods up to ten years each, or the rate increased,
37 23 but not above one percent, or decreased, or the use of
37 24 the revenues changed after an election at which a
37 25 majority of those voting on the question of repeal,
37 26 extension, rate change, or change in use favored the
37 27 repeal, extension, rate change, or change in use. The
37 28 election at which the question of repeal, extension,
37 29 rate change, or change in use is offered shall be
37 30 called and held in the same manner and under the same
37 31 conditions as provided in this section for the
37 32 election on the imposition of the tax. However, an
37 33 election on the change in use shall only be held in
37 34 the school district where the change in use is
37 35 proposed to occur. The election may be held at any
37 36 time but not sooner than sixty days following
37 37 publication of the ballot proposition. However, the
37 38 tax shall not be repealed before it has been in effect
37 39 for one year.

37 40 b. Within ten days of the election at which a
37 41 majority of those voting on the question favors the
37 42 imposition, repeal, extension, or change in the rate
37 43 of the tax, the county auditor shall give written
37 44 notice of the result of the election by sending a copy
37 45 of the abstract of the votes from the favorable
37 46 election to the director of revenue. Election costs
37 47 shall be apportioned among school districts within the
37 48 county on a pro rata basis in proportion to the number
37 49 of registered voters in each school district who
37 50 reside within the county and the total number of
38 1 registered voters within the county.

38 2 Sec. _____. Section 422E.3, subsection 1, Code
38 3 Supplement 2003, is amended to read as follows:
38 4 1. If a majority of those voting on the question
38 5 of imposition of a local sales and services tax for
38 6 school infrastructure purposes favors imposition of
38 7 the tax, the tax shall be imposed by the county board
38 8 of supervisors within the county pursuant to section
38 9 422E.2, at the rate specified for ~~a ten-year duration~~
38 10 the period provided in section 422E.1, subsection 2 on
38 11 the gross receipts taxed by the state under chapter
38 12 422, division IV.

38 13 Sec. _____. Section 422E.3A, subsection 2, paragraph
38 14 a, Code Supplement 2003, is amended to read as
38 15 follows:

38 16 a. A school district that is located in whole or
38 17 in part in a county that voted on and approved prior
38 18 to April 1, 2003, the local sales and services tax for
38 19 school infrastructure purposes and that has a sales
38 20 tax capacity per student above the guaranteed school
38 21 infrastructure amount shall receive for the remainder
38 22 of the unextended term of the tax an amount equal to
38 23 its pro rata share of the local sales and services tax
38 24 receipts as provided in section 422E.3, subsection 5,
38 25 paragraph "d", unless the school board passes a
38 26 resolution by October 1, 2003, agreeing to receive a
38 27 distribution pursuant to paragraph "b", subparagraph
38 28 (1).

38 29 Sec. _____. Section 422E.3A, subsection 2, paragraph
38 30 b, subparagraphs (1) and (3), Code Supplement 2003,
38 31 are amended to read as follows:

38 32 (1) A school district that is located in whole or
38 33 in part in a county that voted on and approved prior
38 34 to April 1, 2003, the local sales and services tax for

38 35 school infrastructure purposes and that has a sales
38 36 tax capacity per student below its guaranteed school
38 37 infrastructure amount shall receive for the remainder
38 38 of the unextended term of the tax an amount equal to
38 39 its pro rata share of the local sales and services tax
38 40 receipts as provided in section 422E.3, subsection 5,
38 41 paragraph "d", plus an amount equal to its
38 42 supplemental school infrastructure amount, unless the
38 43 school district passes a resolution by October 1,
38 44 2003, agreeing to receive only an amount equal to its
38 45 pro rata share as provided in section 422E.3,
38 46 subsection 5, paragraph "d", in all subsequent years.

38 47 (3) A school district that is located in whole or
38 48 in part in a county that voted on and approved the
38 49 continuation extension of the tax pursuant to section
38 50 422E.2, subsection 5, on or after April 1, 2003, the
39 1 local sales and services tax for school infrastructure
39 2 purposes shall receive for any extended period an
39 3 amount equal to its pro rata share of the local sales
39 4 and services tax receipts as provided in section
39 5 422E.3, subsection 5, paragraph "d", not to exceed its
39 6 guaranteed school infrastructure amount. However, if
39 7 the school district's pro rata share is less than its
39 8 guaranteed school infrastructure amount, the district
39 9 shall receive an additional amount equal to its
39 10 supplemental school infrastructure amount.>

39 11 #106. Page 194, line 2, by inserting after the

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39 12 word the following: 39 13 consultation with the public water supply and
39 14 consideration of all applicable rules relating to
39 15 remediation,>.

39 16 #107. Page 194, lines 9 and 10, by striking the

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39 17 words and inserting the

39 18 following: 39 19 the part of the public water supply. Funds available
39 20 to or provided by the public water supply may be used
39 21 for system improvements made in conjunction with
39 22 replacement of the source>.

39 23 #108. Page 194, by striking lines 15 through 17

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39 24 and inserting the following: 39 25 this paragraph shall affect the public water supply's
39 26 right to pursue recovery from a responsible party.>

39 27 #109. Page 199, by inserting after line 27 the

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39 28 following:

39 29 _____. 2003 Iowa Acts, chapter 178, section
39 30 28, unnumbered paragraph 3, is amended to read as
39 31 follows:

39 32 Notwithstanding section 8.64, subsection 4, as
39 33 enacted by this division of this Act, the local
39 34 government innovation fund committee may provide up to
39 35 ~~20 percent of the any~~ amount appropriated in this
39 36 section in the form of forgivable loans or as grants
39 37 for those projects that propose a new and innovative
39 38 sharing initiative that would serve as an important
39 39 model for cities and counties.

39 40 Sec. _____. Notwithstanding section 8.33, moneys
39 41 appropriated in 2003 Iowa Acts, chapter 178, section
39 42 62, and 2003 Iowa Acts, chapter 181, section 11,
39 43 subsection 3, which remain unencumbered or unobligated
39 44 at the close of the fiscal year beginning July 1,
39 45 2003, shall not revert but shall remain available for
39 46 expenditure for the purposes for which they were
39 47 appropriated for the fiscal year beginning July 1,
39 48 2004.>

39 49 #110. Page 199, by inserting before line 28 the

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39 50 following:

40 1 _____. 2004 Iowa Acts, House File 2490,
40 2 section 8, if enacted, is repealed.>

40 3 #111. Page 199, by inserting after line 34 the

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40 4 following:

40 5 _____. 2003 Iowa Acts, First Extraordinary

40 6 Session, chapter 2, section 4, unnumbered paragraph 3,
40 7 is amended to read as follows:

40 8 Notwithstanding section 8.64, subsection 4, if
40 9 enacted by 2003 Iowa Acts, Senate File 453, section
40 10 27, the local government innovation fund committee may
40 11 provide ~~up to 20 percent of the any~~ amount
40 12 appropriated in this section in the form of forgivable
40 13 loans or as grants for those projects that propose a
40 14 new and innovative sharing initiative that would serve
40 15 as an important model for cities and counties.>

40 16 40 17 REGENTS. The state board of regents shall report on
40 18 the policies of the institutions under the authority
40 19 of the state board for addressing the budget
40 20 ramifications associated with unfilled vacant
40 21 positions. If a policy does not exist, the state
40 22 board shall provide for implementation of such a
40 23 policy and report concerning the policy to the
40 24 government oversight committees of the senate and
40 25 house of representatives. The report shall be
40 26 submitted on or before December 15, 2004.>

40 27 #112. Page 199, line 34, by inserting after the

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40 28 figure <2004.> the following: <Funds appropriated in
40 29 this section remaining unencumbered or unobligated at
40 30 the end of the fiscal year beginning July 1, 2004,
40 31 shall not revert but shall remain available to be used
40 32 for the purposes designated and for a home ownership
40 33 assistance program for eligible members of the
40 34 national guard and reserves of the armed forces of the
40 35 United States and the members' immediate families.>

40 36 #113. Page 203, by inserting after line 16 the

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40 37 following:

40 38 _____. MODIFIED ADDITIONAL ALLOWABLE GROWTH.
40 39 For the fiscal year beginning July 1, 2004, and ending
40 40 June 30, 2005, notwithstanding anything contrary in
40 41 section 257.18, subsection 2, if the board adopts a
40 42 resolution, not later than April 15, 2004, to increase
40 43 its participation in the instructional support program
40 44 under section 257.18 and a petition is not filed or if
40 45 the question is submitted to the registered voters of
40 46 the school district and the question is approved, the
40 47 school budget review committee shall establish
40 48 modified allowable growth for the school district for
40 49 the fiscal year beginning July 1, 2004, for the amount
40 50 of increased spending authority. The modified
41 1 allowable growth shall equal the sum of the increased
41 2 state aid, income surtax, and property tax portion of
41 3 the instructional support program requested by the
41 4 district. The district is not eligible for state aid
41 5 as determined under section 257.20 due to increased
41 6 participation percent.>

41 7 #114. Page 204, by inserting after line 16 the

2

41 8 following:

41 9 _____. APPOINTMENTS. The new appointees to
41 10 the commission of veterans affairs, pursuant to the
41 11 increase in the membership of the commission as
41 12 provided in this division of this Act, shall be
41 13 appointed by the governor, with one member being
41 14 appointed for an initial term of two years and one
41 15 member being appointed for an initial term of four
41 16 years.>

41 17 #115. Page 204, by inserting after line 17 the

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41 18 following:

41 19 <_____. The section of this division of this Act
41 20 enacting section 153.40 takes effect upon receipt of
41 21 the Iowa department of public health of federal
41 22 funding to establish a mobile dental delivery system.
41 23 The director of public health shall notify the Iowa
41 24 code editor that the funding has been received.>

41 25 #116. Page 204, line 19, by striking the figure <,>

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41 26 257.16,>.
41 27 [#117](#). Page 204, line 23, by striking the figure
2
41 28 <422E.1,>.
41 29 [#118](#). Page 204, by striking lines 32 through 34
2
41 30 and inserting the following:
41 31 <____. The section of this division of this Act
41 32 providing modified allowable growth for school
41 33 districts to participate in an instructional support
41 34 program, being deemed of immediate importance, takes
41 35 effect upon enactment.
41 36 _____. The section of the division of this Act
41 37 amending 2003 Iowa Acts, chapter 179, section 21,
41 38 being deemed of immediate importance, takes effect
41 39 upon enactment.
41 40 _____. The section of this division of this Act
41 41 relating to the nonreversion of moneys appropriated
41 42 pursuant to 2003 Iowa Acts, chapter 178, section 62,
41 43 and 2003 Iowa Acts, chapter 181, section 11, being
41 44 deemed of immediate importance, takes effect upon
41 45 enactment.
41 46 _____. The sections of this division of this Act
41 47 relating to the increase in membership of the
41 48 commission of veterans affairs, being deemed of
41 49 immediate importance, take effect upon enactment.
41 50 _____. The section of this division of this Act
42 1 repealing 2004 Iowa Acts, House File 2490, section 8,
42 2 if enacted, being deemed of immediate importance,
42 3 takes effect upon enactment.
42 4 _____. The sections of this division of this Act
42 5 amending sections 8.22A and 8.54, being deemed of
42 6 immediate importance, take effect upon enactment.>
42 7 [#119](#). By striking page 204, line 35 through page
2
42 8 205, line 21.
42 9 [#120](#). By renumbering, relettering, or
2
42 10 redesignating and correcting internal references as
42 11 necessary.
42 12 SF 2298.H
42 13 mg/es/25